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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,634	07/23/2003	Kyung-Geun Lee	1293.1926	6894
49455 7590 04/23/2008 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
LAMB, CHRISTOPHER RAY				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
04/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/624,634	<b>Applicant(s)</b> LEE ET AL.
<b>Examiner</b> Christopher R. Lamb	<b>Art Unit</b> 2627

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 31 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-4,7-11,14,15,17,22,23 and 30.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see NOTE below.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit 2627

Note 3: Applicant's amendment makes several changes to the independent claims, requiring further consideration and/or search.

Note 11: Applicant's request for reconsideration is partially based on the proposed amendment. Since it has not been entered, these arguments are moot.

However, some of Applicant's arguments may be applicable to the previous claims. These will be addressed in turn.

Applicant first argues that Kuroda's amangement area is part of the user data area and not an area other than the user data area. However, Kuroda discloses separte areas for management data and user data, and no user data is stored in the section devoted to management data, meeting the language of the claim (the new amendment requires that the management area be in the lead-in, but it was not entered).

Applicant next argues Kuroda does not disclose that the management area comprises a reproduction-only area and a recordable area; however, Kuroda discloses that an area in which information has been written is not used for recording again, and therefore the part of the management area that has been used is reproduction-only and the part not yet used is recordable.

Applicant next flatly states that Kuroda does not disclose at least one of an address of an OPC area and an address of a predetermined area of a drive data area, but provides no further explanation for this argument. This is disclosed in Kuroda as noted in the rejection in the previous Office Action; Kuroda records an address of a test (i.e., OPC) area.

Applicant's next arguments involve the lead-in area of the disc; the claim limitation requiring the lead-in was new to the proposed amendment and was not entered.

Applicant next argues with the rejection of claims 8-11, 14, 22, and 23 as anticipated by Kondo. In particular, Applicant argues that Kondo does not disclose disk data data including data representing whether an additional recording is possible after the recording of user data is completed. Applicant acknowledges that Kondo records the finishing time of all programs, but argues that "the reasoning of the Examiner appears to be incomplete" because there is no connection between this and whether additional recording is possible.

However, data indicating the finishing time of all programs recording on the disc is in itself data representing whether an additional recording is possible. The disc is a fixed length; therefore information that indicates the length of the programs already recorded indicates if additional recording is possible. For example, if the disc is 80 minutes long, and data on it indicates that 30 minutes of it have been used, that data is enough to indicate that up to 50 more minutes can be recorded.

Next, Applicant argues that claim 22 is allowable because it recites the same features as claim 8. These features were added in the amendment that was not entered, and thus this argument is not applicable to the current rejection. Even if it were, it would not be persuasive for the reasons discussed above.

Finally, Applicant argues with the rejections under 103 by arguing that the base references were inadequate for the reasons discussed above. Since those arguments were not found to be persuasive, this argument has not found to be persuasive either.